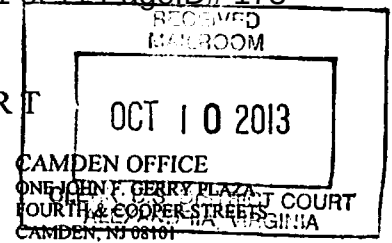




William T. Walsh
Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
OFFICE OF THE CLERK
M. L. KING JR. FEDERAL BLDG. & U.S. COURTHOUSE
50 WALNUT STREET, P.O. BOX 419
NEWARK, NJ 07101-0419
(973) 645-3730



TRENTON OFFICE
402 EAST STATE STREET
ROOM 2020
TRENTON, NJ 08608

REPLY TO: Camden

October 4, 2013

Albert V. Bryan
United States Courthouse
401 Courthouse Square, 2nd Floor
Alexandria, VA 22314-5704

Re: U.S. v Joshua S. Phy
Our Docket No. 13-MJ-5637 (KMW)
Your Docket No. 13-CR-383 (LO)

Dear Clerk:

Please be advised that an initial appearance was held in the above-captioned case pursuant to Rule 5 of the Federal Rules of Criminal Procedure. You can obtain the original record by accessing CM/ECF through PACER. If applicable, a certified copy of the Appearance Bond is enclosed. Kindly acknowledge receipt on the duplicate of this letter, which is provided for your convenience.

Sincerely,

WILLIAM T. WALSH, Clerk

By: s/ Denise Wolk
Deputy Clerk

RECEIPT ACKNOWLEDGED BY: _____
DATE: _____

CLOSED

**U.S. District Court
District of New Jersey [LIVE] (Camden)
CRIMINAL DOCKET FOR CASE #: 1:13-mj-05637-KMW-1**

Case title: USA v. PHY

Date Filed: 10/04/2013

Other court case number: 13-CR-383 (LO) U.S.D.C. Eastern
District of Virginia (Alexandria)

Date Terminated: 10/08/2013

Assigned to: Magistrate Judge Karen M.
Williams

Defendant (1)

JOSHUA S. PHY

TERMINATED: 10/08/2013

also known as

ANONYJOSH

TERMINATED: 10/08/2013

represented by **MAGGIE F. MOY**
OFFICE OF FEDERAL PUBLIC
DEFENDER
800-840 COOPER STREET
SUITE 300
CAMDEN, NJ 08102
(856) 757-5341
Email: maggie_moy@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:371.F THAT IS: CONSPIRACY TO
DEFRAUD THE UNITED STATES

Disposition

Plaintiff

USA

represented by **JACQUELINE CARLE**
OFFICE OF THE US ATTORNEY
401 MARKET STREET
4TH FLOOR
CAMDEN, NJ 08101
(856) 968-4867
Email: jacqueline.carle@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/04/2013		Arrest (Rule 5) of JOSHUA S. PHY (Indictment filed in U.S.D.C. Eastern District of VA) (dmw) (Entered: 10/07/2013)
10/04/2013	<u>1</u>	Rule 5 Documents Received as to JOSHUA S. PHY (Indictment) (dmw) (Entered: 10/07/2013)
10/04/2013	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Karen M. Williams:Initial Appearance in Rule 5 Proceedings as to JOSHUA S. PHY held on 10/4/2013 Hearing on application of Defendant for appointment of counsel. Financial Affidavit executed on the record. Ordered Maggie Moy, AFPD appointed. Defendant waives Rule 5 & 5.1 hearings. Waiver executed on the record. Hearing on application of Defendant for the Court to set Bail with conditions. Government consents to bail with conditions. Ordered application Granted. Ordered bail set in the amount of \$100,000.00/Unsecured. Order setting conditions of release to be entered. Ordered defendant appear in Eastern District of Virginia for an initial appearance on 10/9/2013 at 2:30 p.m. before Judge Ivan D. Davis, U.S.M.J. Ordered defendant released after processing. (CD #455.) (dmw) (Entered: 10/07/2013)
10/04/2013	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to JOSHUA S. PHY MAGGIE F. MOY for JOSHUA S. PHY appointed. Signed by Magistrate Judge Karen M. Williams on 10/4/2013. (dmw) (Entered: 10/08/2013)
10/04/2013	<u>5</u>	ORDER Requiring a defendant to appear in the District where charges are pending and transferring bail as to JOSHUA S. PHY (U.S.D.C. Eastern District of VA). Signed by Magistrate Judge Karen M. Williams on 10/4/2013. (dmw) (Entered: 10/08/2013)
10/04/2013	<u>6</u>	WAIVER of Rule 5 and 5.1 Hearings by JOSHUA S. PHY (dmw) (Entered: 10/08/2013)
10/04/2013	<u>7</u>	ORDER Setting Conditions of Release as to JOSHUA S. PHY (1) \$100,000.00/Unsecured Appearance Bond (Finance notified). Signed by Magistrate Judge Karen M. Williams on 10/4/2013. (dmw) (Entered: 10/08/2013)
10/04/2013		Unsecured Appearance Bond Entered as to JOSHUA S. PHY in amount of \$100,000.00, (dmw) (Entered: 10/08/2013)

10/04/2013	<u>8</u>	Rule 5 Letter sent to the Eastern District of Virginia (with Order of Release and Appearance Bond) (dmw) (Entered: 10/08/2013)
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PACER Service Center			
Transaction Receipt			
10/11/2013 10:37:37			
PACER Login:	us4419	Client Code:	
Description:	Docket Report	Search Criteria:	1:13-mj-05637-KMW Start date: 1/1/1970 End date: 10/11/2013
Billable Pages:	2	Cost:	0.20

UNITED STATES DISTRICT COURT

District of

NEW JERSEY

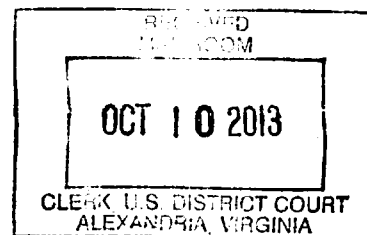
UNITED STATES OF AMERICA

V.

JOSHUA S. PHY

Defendant

APPEARANCE BOND



Case Number: 13-MJ-5637 (KMW)

Non-surety: I, the undersigned defendant acknowledge that I and my . . .

Surety: We, the undersigned, jointly and severally acknowledge that we and our . . .
 personal representatives, jointly and severally, are bound to pay to the United States of America the sum of
\$100,000.00/ UNSECURED

The conditions of this bond are that the defendant JOSHUA S. PHY

(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on 10/4/2013 at Camden, New Jersey

Date

Place

Defendant [Signature] Address Gloucester City, New Jersey

Joshua S. Phy

Surety _____ Address _____

Surety _____ Address _____

Signed and acknowledged before me on

Date

10/4/2013

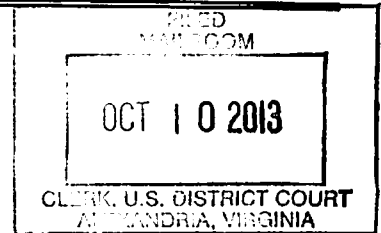
WILLIAM T. WALSH, CLERK

Denise Walk, Deputy Clerk

Approved

Judicial Officer

United States District Court
for the
District of New Jersey



United States of America)

v.)

Joshua S. Phy "a/k/a anonyiosh")

Defendant)

Case 13-MJ-5637 (KMW)/ 13-CR-383 (LO)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed.

The defendant shall appear in the Eastern District of Virginia, Courtroom 400, before Magistrate Judge Ivan D. Davis on 10/9/2013 at 2:30 p.m.

Release on Bond

IT IS FURTHER ORDERED THAT:

- (5) The defendant shall be released upon executing a \$100,000.00/Unsecured Appearance Bond, binding the defendant to pay that amount to the United States in the event the defendant fails to appear or fails to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

(6) Upon finding that release by the above methods will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, it is further ordered that the release of the defendant is subject to the condition(s) listed below:

- (a) The defendant shall be released into the third party custody of Edward Phy who agree(s) to (a) supervise the defendant in accordance with all the conditions of release, (b) use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) notify the court immediately in the event the defendant violates any conditions of release or absconds.

Signed: Edward E. Phy SAINT EPHRAIM N.J. 10-4-13
Custodian/City and State/Date

- (b) Report to Pretrial Services as directed and advise them immediately of any contact with law enforcement personnel, including but not limited to, any arrest, questioning, or traffic stop.
- (c) Surrender all passports and travel documents to Pretrial Services. Do not apply for new travel documents.
- (d) Travel restricted to New Jersey and Eastern District of Virginia, unless otherwise approved by Pretrial Services.
- (e) Mental health testing and/or treatment as directed by Pretrial Services.
- (f) Have no contact with the following individuals: named co-defendants listed on the Indictment.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

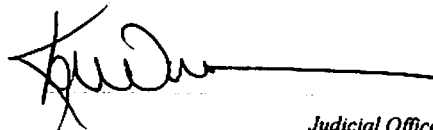
Gloucester City, New Jersey

City and State

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: October 4, 2013



Judicial Officer's Signature

Karen M. Williams, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :

VS. :

ORDER

JOSHUA S. PHY a/k/a Anonyiosh :

Defendant :

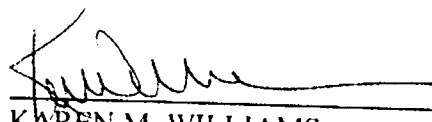
MAG. NO. 13-5637 (KMW)

The inability of the defendant to retain counsel for the initial appearance
having been established by the Court, and the defendant not having waived the appointment of
counsel,

It is on this 4th day of October , 2013

ORDERED that the Federal Public Defender the District of New Jersey,

(Maggie Moy, AFD), is hereby appointed to represent said defendant until further Order of the
Court.


KAREN M. WILLIAMS
UNITED STATES MAGISTRATE JUDGE

cc: Federal Public Defender

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the
District of New Jersey

United States of America

v.

Joshua S. Phy,
a/k/a "Anonyjosh"
Defendant

Case No. 13- 5637 (KMW)

Charging District's Case No. 13-cr-383

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* Eastern District of Virginia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing. *N/A*
- ☐ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 10/04/2013

Defendant's signature

Signature of defendant's attorney

Maggie Moy, Assistant Federal Defender
Printed name of defendant's attorney

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America
v.
Joshua S. Phy, a/k/a "Anonyjosh"

Defendant

)
) Case No. 13- 5637 (KMW)
)

) Charging District: Eastern District of Virginia
) Charging District's Case No. 13-cr-383

ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL

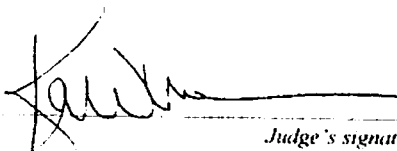
After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: U.S. District Court, E.D.V.a
410 Courthouse Square
Alexandria, VA 22314

Courtroom No.: 400; Ivan D. Davis, U.S. Magistrate
Date and Time: 10/9/2013 2:30 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 10/04/2013



Judge's signature

Karen M. Williams, U.S. Magistrate Judge
Printed name and title